

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**Hal Ruddick, Timothy Thomas, Felicia  
Bryant, Barry Carr, Moshe Davis, and  
Marshall Fuller, as Trustees of The Service  
Employees International Union Local 4  
Health & Welfare Fund**

**and**

**Hal Ruddick, Timothy Thomas, Floyd  
Schlossberg and Marshall Fuller, as  
Trustees of The Service  
Employees International Union Local 4  
Pension Fund**

**v.**

**Continental Care Center, Inc. and  
David Meisels**

**08 cv 2496**

**Judge Zagel**

**Magistrate Cole**

**MOTION FOR LEAVE TO FILE ANSWER  
AND AFFIRMATIVE DEFENSES**

NOW COMES Defendant, DAVID MEISELS, by and through his attorneys,  
ASHMAN & STEIN, and moves this Honorable Court to enter an Order vacating any  
prior defaults herein and allowing him to file his Answer and Affirmative Defenses,  
instantor; and in support thereof, states as follows:

1. The Complaint in this action was filed on May 1, 2008.
2. Defendant Continental Care Center, Inc, was served through its registered  
agent and filed its Answer herein on May 28, 2008.
3. Defendant David Meisels ("Meisels") was purportedly served on May 16,

2008, by leaving a copy of the Complaint and summons with an adult male at Meisels' residence in New York. However, neither Meisels nor Meisels' attorney became aware of said service until after June 19, 2008, when Plaintiffs' counsel alerted Meisels' counsel that she "believed" that Meisels had been served.

WHEREFORE, Plaintiff, DAVID MEISELS, prays that this Honorable Court enter an Order vacating any defaults against him and allowing him to file his Answer and Affirmative Defenses herein, instantor.

Respectfully submitted,  
ASHMAN & STEIN

/s/ Carey M. Stein  
One of Meisels' attorneys

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